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ABSTRACT

This report provides information on state practices related to graduation requirements and continuation of transition services beyond graduation for students with disabilities and summarizes legal considerations. A paper on legal considerations concerning the graduation of special education students (by Jeanne M. Kincaid) analyzes relevant sections of the Individuals with Disabilities Education Act and judicial rulings. The report then provides a discussion of past and current trends surrounding this issue, a description of current state practices, and the complete texts of 22 state responses to a questionnaire. The questionnaire asked about standards for termination of services, graduation requirements, services beyond graduation, students' Individualized Education Program conferences, and future plans. Most of the document consists of a detailed analysis of questionnaire responses presented in both a textual summary and table format giving state-by-state information. Specific state responses are appended along with relevant correspondence. (DB)

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TRANSITION SERVICES BEYOND GRADUATION: STATE POLICIES AND PERSPECTIVES

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May, 1993

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INTRODUCTION

Transition from school to adult life is of paramount importance for all students. The Education of the Handicapped Amendments of 1990 (P.L. 101-476), now known as the Individuals with Disabilities Education Act (IDEA), mandates a statement of needed transition services in every IEP for students 16 and older. The intent of the law is to ensure that all students with disabilities have the opportunity to plan and adequately prepare for their futures beyond high school. This new requirement has generated numerous questions from states now updating policies and practices.

Purpose of this paper

The purpose of this paper is two-fold:

1. to provide information on current state practices relating to graduation requirements and continuation of transition services beyond graduation for students with disabilities; and
2. to summarize the legal considerations that states need to keep in mind.

Contents of this paper

Included you will find:

- a discussion of past and current trends surrounding the issue,
- an attorney's analysis of legal considerations,
- a description of current state practices,
- complete text of state responses to questions.

Districts adopt innovative graduation requirements.

Over the past 10 years, the educational reform movement has included a focus on assessment practices, including secondary graduation and diploma requirements: Districts nationwide have adopted a number of innovative reforms, including performance-based graduation requirements, portfolio assessments, differentiated diplomas, individual learning plans for all students, credits that reflect mastery of course objectives as a replacement for grades, and workplace apprenticeship requirements for graduation (SpecialNet notices; Carroll, 1990). The resulting policies have affected students in special education as well as those in regular education.

As academic standards and minimum competency tests have become more stringent, it has also become more difficult for special education students to follow the mainstream curriculum path. Central to this issue is the perceived conflict between equal opportunity and appropriate education that potentially places special education students in a "Catch 22" bind. In order to earn a regular diploma that will insure post-graduation employment opportunities, special education students may have to participate in programs that are inappropriate for their abilities and life goals. Yet, students who pursue more relevant but less academically oriented programs may earn alternative diplomas that hold little significance in the competitive employment market (Bodner, Clark, & Mellard, 1987).

What happens to students in special education when graduation requirements change?

As our nation's schools move toward greater accountability in terms of student outcomes, and pressure mounts for students to meet world class standards, concerns about how these issues will affect students in special education require consideration. The quality of educational services offered to students, the fairness of the assessments used to measure student achievement, the age at which students are eligible to graduate from high school, and the appropriateness of the diploma students earn are among the concerns facing special educators today.

As we go to press, the U.S. Department of Special Education and Rehabilitation Services (OSERS), Office of General Council is reviewing a question significant to this paper. Essentially the question asks whether states can count and thereby generate Part 6B funds to provide transition services beyond the point of graduation. This important and complex issue is currently under review. Watch for an OSERS policy letter in the near future.

PAST AND CURRENT TRENDS

Past Trends

States make allowances for special education students to meet requirements.

The results of a 1987 study by the University of Kansas Department of Special Education indicated that as educational reforms were instituted, states were making allowances for special education students to meet graduation requirements. Some of them included: a) regular classes with support services but no modifications; b) classes with the same subject title and modified content; c) classes with the same subject title but modified instruction; and d) classes with the same subject title but different content and modified instruction (Bodner, Clark, & Mellard, 1987, p. 30).

States set graduation requirements.

The same survey indicated that in about one third of the states, decisions about graduation and diploma requirements were being made by local school districts; in the majority of states, however, requirements were set by state law. Several variations were reported by the states (Bodner, Clark, & Mellard, 1987, p. 32):

- a standard diploma awarded to all special education students, regardless of whether or not they meet regular graduation requirements,
- a standard diploma awarded to students who meet regular requirements and a different diploma to those who do not,
- a standard diploma awarded to students who meet regular education requirements and a certificate to those who do not.

States have special testing provisions for minimum competency tests.

A majority of states responding to this survey indicated they have instituted minimum competency tests as a requirement for graduation, and specific policies regarding the participation of special education students. Most states had provisions for exemptions, based upon either the individual IEP or by category of disability. Many states also adopted special testing provisions for students who were not exempt, including the following:

- individual or small group test administration,
- extended time,
- administration by the special education teacher,
- separate test directions,
- student's instructional reading level used.

A more recent survey conducted by Project FORUM at the National Association of State Directors of Special Education (A Study, 1990) indicated states are using a variety of diplomas , including regular diplomas, modified diplomas, certificates of completion/performance, and graduation awards based upon completion of IEP goals. The states responding also indicated inconsistencies in local and state jurisdictions over graduation/diploma requirements. Variations in the upper age limit of special education students receiving educational services were also evident from the states included; upper age limits fall within the 21-22 age range but vary among states with at least three states (Iowa, New Mexico, and North Carolina) giving LEAs discretion to serve students older than the upper age limit.

States have variations in types of diplomas, requirements and upper age limits.

Current Trends

States are continuing to revise graduation requirements as the reform movement continues. Ohio passed a law in 1992 to reform a four-tiered diploma system in use since 1987. Under the new law students graduating from high school will be eligible for only two types of diplomas — a regular diploma and an honors diploma. A regular diploma will be awarded to students who complete high school and pass a ninth-grade proficiency test. The decision as to whether special education students will take the test will be decided by the IEP team. If the team determines the student is not required to take the test, the student will be granted a diploma based on completion of IEP goals ("Revision of Ohio's," 1992).

States continue to revise graduation requirements.

Florida has recently revised its State Board of Education rule to add a graduation option for special education students based on mastery of employment and community competencies. The state has also initiated activities to assist students with mild disabilities to attain a Standard or Special Diploma and to remain in school until graduation (General Education Reform, 1992). Undoubtedly as these state-level reforms continue, they will impact special education graduation requirements.

Attendees at the federal Office of Special Education Program's 1993 Annual Leadership Conference addressed the question of how special education fits into the nation's national education goals. After a number of general sessions and small group meeting, they agreed it is "still a puzzle" (Robinson, 1993).

WRRC queries states about graduation for students with IEPs.

In winter 1993, the Western Regional Resource Center (WRRC) began to field questions about the point at which special education services would terminate in relationship to graduation. The questioners wanted to know what other states were doing to address this issue. With the assistance of several state transition specialists and the OSEP transition specialist, WRRC staff queried a number of states to find out how states are currently addressing the following issues:

We asked about:

Termination of Services

Termination of Services

- upper age limit for provision of special education services in your state
- policy governing termination of special education services and the completion of high school

Graduation Requirements

Graduation Requirements

- roles of SEAs and LEAs in setting graduation requirements
- types and criteria for exit documents awarded
- continuation of services beyond receipt of exit documents
- general education students access to full range of exit documents

Services Beyond Graduation

Services Beyond Graduation

- operation of post-graduation transition programs, model or services

Students IEP Conferences

Students and IEP Conferences

- policies/procedures if a majority age student does not want parents attending IEP meeting
- guidance when a parent does not want the student at the IEP meeting

Future Plans

Future Plans

- plans to alter state policies regarding post-graduation transition services

We asked the questions of 10 western states and the other 5 regional resource centers. The other regional resource centers in turn queried their states. A total of 19 states responded. We also reviewed a 1990 survey of plans and policies in the NASDSE data base, and included information from an additional three states. The full text of each state's written responses is provided in Appendix A.

This report includes responses from 22 states.

11

GRADUATION OF SPECIAL EDUCATION STUDENTS: LEGAL CONSIDERATIONS

by Jeanne M. Kincaid, Esq.[1]

This paper will address legal concerns pertaining to the graduation of special education students.[2] The Individuals with Disabilities Act (IDEA) and relevant judicial rulings are analyzed. A note of caution: each state typically has an admissions statute which specifies the years during which a child/youth has the right to attend elementary and secondary school. Some state laws specifically terminate the right to education when the student graduates.[3] Other states permit the student to continue receiving services.[4]

A 1990 OSERS policy letter clarified educational agencies responsibilities to students between the ages of 18 and 21.

Analysis of IDEA

This analysis is based on a 1990 policy letter from the U.S. Department of Education's Office of Special Education and Rehabilitative Services (OSERS). This letter clarified educational agencies' responsibilities to students between the ages of 18 and 21 pursuant to the IDEA.[5] The inquirer specifically asked:

- Can public agencies be required to provide special education services to students with disabilities after their graduation from high school?

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1 This chapter was developed jointly by Jeanne M. Kincaid and the Western Regional Resource Center, Eugene, Oregon, pursuant to Grant No. H028A10013 with the U.S. Department of Education, Office of Special Education and Rehabilitative Services. However, the opinions expressed herein do not necessarily reflect the position or policy of the U.S. Department of Education, and no endorsement by the U.S. Department of Education should be inferred.

2 This paper will not address competency testing and other issues relevant to whether or not a student with a disability has the right to receive a diploma.

3 For example, Washington law provides that a student who has met state standards for graduation no longer has a right to special education. See WAC 392-171-325(3).

4 Oregon law gives all special education students the right to education until they reach age 21. ORS 339.115(1)(a). Meeting state standards for graduation apparently does not terminate the student's right to continue receiving special education.

5 See Richards, 17 EHLR 288 (OSERS 1990).

- Are written procedural safeguards required to terminate special education services for a student with disabilities who has graduated from high school?
- What is the role of the IEP team when a student with disabilities is expected to graduate from high school?

In summary the response states that:

Summary of OSERS response

- eligibility under IDEA-B ceases after graduation
- procedural safeguards apply to graduating students
- IEP team must meet before graduation.

High school graduation is a change in placement.

What follows is a detailed analysis of the OSERS response. OSERS stated that normally a student is entitled to receive free and appropriated public education (FAPE) including special education and related services through age twenty one. However, a State is not obligated to provide FAPE beyond the age of 18 "if it is contrary to State law or practice or a court order."[6] Moreover, a State is not required to provide post-secondary education to any child, regardless of the student's age.[7] Therefore, high school graduation is a change in placement because the right to FAPE ceases upon the receipt of a high school graduation.[8]

Procedural safeguards apply to graduating students.

Since graduation is considered a change in placement under the IDEA, educational agencies must comply with the IDEA's procedural requirements, including prior notice and the right to due process.[9] Finally, OSERS stated that before graduating a student on an IEP, the IEP team should be convened to review the student's IEP to assure that graduation requirements and IEP goals and objectives will be met.[10]

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6 Id., citing 34 CFR §§ 300.4 and 300.300.
7 Id., citing Cronin v. Board of East Ramapo School District, EHLR DEC. 441:124 (1988).
8 Id.
9 Id.; 34 §§ 300.504-505; 300.506-300.513; citing Gorski v. Lynchburg School Board, EHLR DEC. 441:415 (1989).
10 Id.; citing Morse v. Henniker School District, EHLR DEC. 508:361 (1987).

Educational agencies may continue to count students in child count as long as permissible under state law.

The EHA (now IDEA) has been amended since this policy letter was issued. The IDEA now requires that the IEPs of students who are at least 16 years of age include transition goals and objectives.[11] Comments to the new regulations make clear OSERS position that where appropriate, transition services address post-secondary education. To that end, OSERS takes the position that educational agencies may continue to include such children within their child count if they are providing services to students transitioning to post-secondary education so long as permissible under State law.[12]

Analysis of Relevant Judicial Rulings

School district is required to maintain student's placement during due process even through he had graduated.

In Cronin v. Board of Education of East Ramapo Central School District, EHLR DEC. 441:124 (1988) a federal district court in N.Y. issued an injunction **requiring the school district to maintain the student's placement in a vocational program during the pendency of the administrative due process proceedings even though the student had graduated.** The court ruled that graduation was a change in placement because it ceases educational services. Since the parents have the right under the EHA (now IDEA) to challenge a placement decision, the "stay put" provision of the IDEA applies. The court rejected the district's argument that once a student receives a valid diploma, s/he loses any rights s/he may have had under the IDEA. The court did not reach the merits of the case, namely, does a student's right to FAPE cease when s/he receives a valid diploma.

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11 34 CFR § 300.346(b). However, transition services are not required in all specified areas if the IEP team determines and documents that such services are not needed. 34 CFR § 300.346(b)(2).

12 The verbatim text of the Appendix reads as follows:

> Comment: Several commenters requested that the regulations clarify that transition services can continue to be provided to students after graduation. One commenter asked for clarification of the responsibility to reconvene the IEP team after graduation.
> Discussion: Part B of the Act neither requires nor prohibits the provision of services to a student after the student has completed the State's graduation requirements. Thus, if a student is still within the eligible age range for FAPE within the State, the State, at its discretion, could continue to provide needed transition services to the student and use funds under this part to pay for the transition services, or contribute to the cost of those services through a shared cost arrangement with another agency - provided that all applicable requirements of this part are met.

The Fourth Circuit held in Gorski v. Lynchburg School Board, EHLR DEC. 441:415 (1989) that a school district properly graduated a student with a learning disability who met all requirements to receive a special diploma even though he did not meet all his short term objectives. In upholding the right of the district to graduate the student and cease providing FAPE, the court relied on Virginia law which provides that the student's right to receive FAPE terminates when s/he graduates or successfully completes a program approved by the Board of Education. To receive a special diploma in the State of Virginia the student must be eligible for special education, complete the units of credit prescribed by the Board of Education and complete the requirements of IEP. The parents had signed the student's IEP on the assumption that vocational educational training, which the school district agreed the student needed, would be paid for by the District.

Virginia law provides that the student's right to receive FAPE terminates when s/he graduates.

First, the court concluded that the district properly graduated the student. The court found that the student had successfully completed all his courses, including five mainstream classes. He functioned at a tenth grade level in government, English and reading and at a seventh to eighth grade level in math. He also exceeded the number of credit hours required to graduate and passed the state's standardized competency tests in English and math. Furthermore, he met nearly all his short term objectives. The court thus concluded that the student's passage from grade to grade was not the result of "meaningless social promotions."

Secondly, the court rejected the student's argument that even if he was entitled to graduate, the EHA guarantees him the right to special education services through age 21. In reviewing the EHA, the court noted that the statute requires preschool, elementary and secondary education for five to 18 year old students. Students are only entitled to services beyond the age of 18 if they have not completed secondary education. The court ruled further that students between the ages of 18 and 21 who have not completed secondary school are entitled to services unless contrary to state law, practice or pursuant to court order. Since the student had successfully completed his high school education, the student did not have an entitlement to services beyond age 18. Finally, the court held that the IDEA does not require a state to provide post-secondary education to any student, regardless of his/her age.

The court held that the IDEA does not require a state to provide post-secondary education to any student, regardless of his/her age.

The case is interesting because it can be read to require a school district to provide FAPE to a student even though the student has met state and local requirements to graduate.

In Puffer v. Reynolds, 17 IDELR 618 (1988) a federal district court in Massachusetts held that **the district violated the procedural requirements of the EHA (now IDEA) and graduated a student**. The student argued that her diploma should be rescinded and she should be permitted to receive special education services through the district. Although the court ordered the district to provide "remedial" services to the student, it refused to rescind issuance of the diploma on the basis that even though the district failed to develop an IEP for the student, it offered her the services which she refused to accept. The court also believed that rescission of the diploma would undermine the student's post-secondary efforts. **The case is interesting because it can be read to require a school district to provide FAPE to a student even though the student has met state and local requirements to graduate**.

Graduation, which results in a cessation of education services, is a change in placement under the EHA (now IDEA).

The Supreme Judicial Court for the Commonwealth of Massachusetts held in Stock v. MA Hospital School, EHLR DEC. 555:550 (1984) that **graduation, which results in a cessation of education services, is a change in placement under the EHA (now IDEA)**. The educational agency violated the IDEA by failing to provide procedural safeguards to the parent and by failing to consider and discuss graduation at the student's IEP meeting. Moreover, the court held that it was improper to graduate the 18-year-old student when the evidence indicated that even by age 22, educational authorities doubted the student would attain the skills necessary to receive a high school diploma. Thus, the court ordered the diploma rescinded and mandated the provision of FAPE.

The Third Circuit upheld the graduation of a student who met IEP goals and objectives and graduation requirements.

The Third Circuit **upheld the graduation of a student who met IEP goals and objectives and graduation requirements** in Wexler v. Westfield Board of Education, EHLR DEC. 557:283 (1986). After graduation, the parents placed the student in a private program in Jerusalem and argued that the district was remiss in graduating the student and sought reimbursement. The court emphasized that the parents had never objected to the student's IEP or issuance of the diploma. Moreover, the parents participated in discussions regarding post graduation without objection. The court concluded that the student legitimately met the graduation requirements and issuance of a diploma was not a "sham".

The Tenth Circuit was called upon to interpret the EHA (now IDEA) language regarding 18-21 year old students in the case of Helms v. Independent School District, EHLR DEC.

556:344 (1984). **The IDEA does not necessarily require an educational agency to provide special education services for youth between 18 and 21 years of age.**[13] The district argued that it met the exception to the IDEA that FAPE need not be provided to 18 to 21 year olds when State law or practice does not make education available to nondisabled students because it contended that it only allowed students a maximum of 12 years to complete their education. The court concluded that the State of Oklahoma had a practice of allowing nondisabled students to make up classes they had failed, thus permitting them to exceed the 12 year maximum attendance standard. Whereas, the district never allowed a student with disabilities the opportunity to continue school after 12 years. The court found that the district's passing of some students with disabilities from grade to grade was a "sham" and ordered the district to allow the student to return to school for a period of at least two years.

The IDEA does not necessarily require an educational agency to provide special education services for youth between 18 and 21 years of age.

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13 34 CFR § 300.300 The exact language of the regulation reads in relevant part:

> (a) *General.* Each state shall ensure that FAPE is available to all children with disabilities aged 3 through 18 within the State not later than September 1, 1978, and to all children with disabilities aged 3 through 21 within the State not later than September 1, 1980.
> *(b) Age ranges 3-5 and 18-21.* * * *
> * * *
> (2) If a public agency provides education to nondisabled children in any of these age groups, it must make FAPE available to at least a proportionate number of children with disabilities of the same age.
> * * *
> (5) A State is not required to make FAPE available to a child with a disability in one of these age groups if:
> (i) State law expressly prohibits, or does not authorize, the expenditure of public funds to provide education to nondisabled children in that age group; or
> (ii) The requirement is inconsistent with a court order that governs the provision of free public education to children with disabilities in that State.

CONCLUSION

Educational agencies must review state law to determine if a special education student has ongoing rights to special education past graduation or can refuse to graduate and continue to receive special education.

The 1990 OSERS policy letter incorporated the holdings of a number of court cases. U.S. D.O.E. adoption of these court standards signifies OSERS' concurrence with the findings. Therefore, the entire text of this Nov. 23, 1990 OSERS letter can be found in Appendix A.

The critical legal underpinning is that graduation is a "change in placement" triggering the due process safeguards of the IDEA. Before issuing a diploma to a special education student, the educational agency must convene an IEP team to decide whether the student should graduate. If state law authorizes it, an educational agency may graduate a special education student under age 21 so long as s/he meets state and local standards for graduation. However, educational agencies must review state law to determine if a special education student has ongoing rights to special education past graduation or can refuse to graduate and continue to receive special education. In any event, if a parent challenges a decision to graduate his/her child through the due process procedures of the IDEA, the "stay put" provisions of the IDEA apply, entitling the student to remain in his/her current educational program, i.e., the district's secondary educational placement, pending the outcome of the proceedings.

If a student is still within the eligible age range for FAPE within the State, the State, at its discretion, could continue to provide needed transition services to the student and use funds under this part to pay for the transition services.

Finally, recent amendments to the IDEA give educational agencies the power to continue to serve students post-graduation as part of the student's transition goals. In addition, the agency may include the student in their child count. If a student is still within the eligible age range for FAPE within the State, the State, at its discretion, could continue to provide needed transition services to the student and **use funds under this part to pay for the transition services,** or contribute to the cost of those services through a shared cost arrangement with another agency -- provided that all applicable requirements of this part are met (see footnote 12).

Just as we go to press, we have learned that OSERS is in the process of clarifying whether states can count and thereby generate Part 6B funds to provide transition services beyond graduation. Keep a watch out for a policy letter.

TABLES & SUMMARIES

Table 1

What is the upper age limit for the provision of special education in your state?

21 Respondents

Summary: Thirteen of the 21 responding states serve students through the school year when the student turns 21. Five states provide services to students until the 22 birthday and 3 states serve students either through the school year when the student turns 20 or until the 21st birthday. Five states (IN, MA, NY, UT, WA) specifically indicated that services cease either at age-out, or completion of high school (marked by graduation, diploma, or completion of 12th grade) whichever comes first.

State	Upper Age Limit	Notes
CA	22	
CT	21	or high school diploma
DE	20	through school year when turns 20
HI	20	
ID	21	district may choose to serve to 22
IN	22	through school year student turns 22 unless completed 12th grade
MA	22	or graduation
ME	20	until 21st birthday
MN	21	through school year when turns 21
NC	20 & 21	permissively
ND	21	through school year when turns 21
NE	21	
NY	21	or until receive high school diploma
SC	21	
SD	21	through school year when turns 21 or graduates from school
TN	21	
UT	22	or graduation, whichever comes first
VT	22	22nd birthday
WA	21	through school year when turns 21 or graduates
WV	21	
WY	21	

Table 2

What kind of policy governs termination of special education services and the completion of high school?

19 Respondents

Summary: The majority of respondents (12 of 19) reported that the IEP team determines the termination of special education services and the completion of high school. For example in Idaho, the IEP specifies one of several courses to follow:

- collaborative support to achieve a regular diploma
- adaptation of regular coursework
- modified courses in same subjects
- specifically designed coursework.

In Minnesota, all options result in a regular diploma. The learner graduates having successfully completed graduation requirements as prescribed by the board of education or the learner's IEP plan or the learner exceeds school age of 21 years. The diploma terminates services in special education.

New Jersey employs an interesting option. The state plan and special education code specify that the IEP describe "exemptions from regular education program options, including testing programs, core course proficiencies and state and local graduation requirements which includes a rationale for the exemptions" along with "reasons why the IEP goals and objectives do not include the proficiencies measured by the High School Proficiency Test." The IEP must include "a statement of the alternate requirements for each exemption from state and local high school graduation requirements." The IEP must also "identify which alternate requirements must be achieved by the pupil with an education disability to qualify for the state endorsed diploma issued by the school district."

State	Response
12: CA, CT, HI, MA, ME, MN, NE, NJ, TN, UT, WV, WY	IEP driven.
3: DE, VT, WY	Reach upper age limit.
5: DE, HI, ID, MN, TN	Receipt of high school diploma.
1: WA	No provision in state statute.

Table 3

What discretion, if any, do local districts have to set graduation requirements or are they set by the state?

19 Respondents

Summary: Most states (15 of 19) set minimum graduation requirements. LEAs then have the discretion to make additions, determine how the requirements will be met and adopt alternative means for students with disabilities to achieve the requirements. Three of the respondents (HI, SC, TN) reported that graduation requirements are set by the state only. One state (MA) reported that all graduation requirements are set by the LEA.

State	Grad Requirements Set by State	Grad Requirements Set By LEA
CA	Set minimums	Adopt additional requirements, standards of proficiency in basic skills. IEP team determines any differential standards.
CT	Set minimums based on Carnegie units.	IEP team modifies as needed.
DE	Sets minimums	May go beyond minimums.
HI	Set requirements	
ID	Set minimums	Determine additional requirements.
IN	Set core requirements	May add additional credits/courses
MA		Set graduation requirements.
MN	Set minimum requirements	May add.
NC	Set minimum standards	May set higher standards.
ND	Set minimum requirements	Can and do set higher standards.
NE	Requires that schools have graduation requirements for 200 credit hours (20 full year courses).	Complete discretion determining what these 200 hours are and how earned.
NJ	Set minimum requirements	Adopt written policies and procedures for exemption of students with IEPs.
SC	Set requirements	
SD	Set minimums	Modifications by school's placement and IEP committee.
TN	Set requirements	
UT	Set minimum	Discretion to increase but not lower state standards.
WA	Set requirements. No rules to set content standards for requirements.	Set courses and standards to satisfy state requirements.
WV	Set requirements	IEP specifies graduation requirements.
WY	Set general guidelines	Authority to set requirements within state guidelines.

Table 4

What types of exit documents (diplomas, certificates, etc.) are awarded and what criteria must students meet to receive these?

20 Respondents

Summary: Five of the 20 respondents report that a diploma is the only type of exit document awarded. The remaining 15 states have a combination of exit documents including:

- regular or standard diploma
- honors diploma
- modified diploma
- high school certificate
- special education diploma
- certificate of completion or achievement
- certificate of attendance.

State	Type of Documents	Criteria
CA	Diploma	Full year courses as follows: 3 English 2 mathematics 2 science (including biological and physical) 3 social studies (including US History and geography; World History, culture and geography; American Government and Civics; economics) 1 visual or performing arts or foreign language (may include sign language) 2 physical education (unless appropriately exempted) Other coursework specified by local board. Local board shall adopt alternative means to complete. Requirements must be made available to pupils, parents, and public.
CT	Diploma Certificate of Attendance	Criteria determined by local boards.
DE	Diploma Certificate of Performance	State recently abolished the Minimum Competency Standard so now have diploma. Certificate of Performance still available but may not be used much.

Table 4, continued

State	Type of Documents	Criteria
ID	Regular Diploma	
	Modified or differentiated (diploma) or certificate	For those students unable to demonstrate mastery of the general core courses, even with reasonable accommodations. Available to both students with and without disabilities. The transcript serves as the detailed record of accomplishments, achievements and courses.
IN	Diploma	Credits for academic, special education or vocational courses.
	Certificate of Achievement	Noncredit educational, vocational and employment training program.
MA	Diplomas and certificates	Issued at the discretion of the local school districts.
MN	Regular diploma only	Satisfactory attainment of the program plan objectives.
NC	Diploma	Meet graduation requirements and pass the N.C. Competency Test.
	Certificate of Attendance	Meet graduation requirements but fail the N.C. Competency Test.
ND	Diploma	Carnegie units
NE	Diplomas and certificates	Local control
NY	State diploma Local certificate	Awarded to students with disabilities unable to meet requirements for a diploma, provided IEP goals are met and student has attended school for 13 years beyond kindergarten. District must adopt written policies and procedures assuring that students with disabilities are afforded appropriate opportunities to earn a diploma. Each local certificate must be accompanied by a written statement of assurance that student continues to be eligible to attend school until a diploma is earned or age-out.
SC	Diploma Certificate	20 units of credit and pass exit exam. 20 units of credit.

Table 4, continued

State	Types of Documents	Criteria
SD	Signed diploma	20 units of credit which may be modified by IEP Committee and stated on IEP.
TN	Regular diploma	1. 20 units of credit or satisfactorily complete IEP. 2. Pass all subsets of the proficiency test. 3. Have satisfactory attendance and conduct.
	Honors diploma	1. 20 units of credit with at least 3.0 GPA on 4.0 scale. 2. Same as regular diploma.
	High School Certificate	1. 20 units of credit. 2. Satisfactory attendance and conduct but have not met proficiency test standards.
	Special Education Diploma	1. Satisfactory completion of IEP. 2. Same as high school certificate.
UT	Diploma Certificate of Completion	
VT	Diploma Certificates	Meet graduation requirements. IEP team decides on alternatives. Some districts still issue based on IEP.
WA	Diploma	Meet district's high school requirements. State code ensures that no student is denied an opportunity to earn a diploma solely based on limitations due to student's ability. Credits in sign language shall count toward a foreign language requirement.
WV	Standard diploma Modified diploma	Meet state graduation requirements. For students with severe disabilities unable to meet standard diploma requirements.
WY	Standard diploma Certificate of attendance	Local option varies from district to district.

Table 5

If a student receives an exit document, can he/she still continue to receive services? If so, what type of services and how is it determined when these services will be provided?

20 Respondents

Summary: Ten responding states report that once an exit document is granted, special education services no longer continue. Six states indicate that there are times when further services may be made available. Examples of such times include:

- if a student receives a certificate of attendance or special education diploma, she or he may continue to work toward a regular diploma or until age out point
- if requested until age out point
- if a hearing officer orders continued services

One state (VT) reports that vocational education services may be provided beyond receipt of a diploma on a space available basis and one other state (WY) reports that services may be continued only if addressed in the IEP.

Response	State	Comments
No	10: CA, CT, DE, IN, MN, NC, ND, SD, WA, WV	Student can enroll in adult education, regional occupational, higher ed or adult services if available. If further services are needed, student should not be graduated.
Yes/no	6: ID, MA, NY, SC, TN, HI	No, if student receives a diploma (regular or honors) (TN) The granting of a Certificate of Attendance is not equivalent to a diploma and therefore does not terminate eligibility for one who has not yet reached age 22. (MA) Yes, if student receives certificate of attendance or special education diploma, may continue to work toward regular diploma or until age out. (MA, NY, SC) Yes, in some cases, request for continued services have been granted until age out. (ID, HI) Yes, if hearing officer orders continued services. (MA)
Yes	2: VT, WY	Vocational educational services may be provided beyond diploma on space available basis. (VT) Only if addressed prior to IEP. (WY)

Table 6

Can non-special education students receive the full range of exit documents?

16 Respondents

Summary: Eleven of the 16 respondents report that non-special education (i.e. general education) students cannot receive the full range of exit document options. Four states indicate that provisions are in place for general education students to receive the full range of exit documents. One state indicates that it is locally decided.

Response	States	Comments
Yes	4: CA, ND, SC, NC	The local board shall adopt alternative means for pupils to complete the prescribed course of which may include practical demonstration of skills and competencies, supervised work experience, vocational occupational centers, interdisciplinary study, independent study and credit earned at a postsecondary institution.
	UT	In the process of developing new standards.
No	11: HI, NV, TN, WV	Non-special education students may not receive certificate of achievement or special education diploma.
	CT, DE, ID, MN, SD, VT, WA	Only have one diploma.
Varies	1: MA	Locally decided.

Table 7

Do LEAs or regional units in your state operate post-graduation transition programs or services?

19 Respondents

Summary: Of the 19 states responding, more than half (10) reported no services. Of those, three said that some service could be obtained through other agencies, such as adult vocational rehabilitation, mental health services, and community colleges. About one third of the states do provide some sort of post-graduate transition services, either directly or by contract with other vendors. One state reported a practice in which a student's diploma can be deferred to allow the LEA to pay for transition services required to meet IEP goals.

Response	States	Comments
No	8: CT, DE, HI, NC, SC, SD, UT, WA	
Services available through other providers	3: IN, ND, WY	LEAs refer students with disabilities to post-graduation transition programs, but do not operate or fund these programs. Services provided by adult system: Vocational Rehabilitation and Developmental Disabilities. Community colleges assist in this area, usually funded by Carl D. Perkins grants.
Yes	7: CA, ID, MA, NE, TN, VT, WV	State Department of Rehabilitation operates projects through adult education or regional occupational programs or centers for out of school (K-12) youth and adults. Some LEAs contract with regional centers and rehabilitation to operate adult provider vendored services offering job coaches, development, and assessment. 1 school district in state offers such programs. LEA operates post-secondary vo-technical education programs through the Carl D. Perkins Act. Vocational Education offers programs to students with diplomas on an as-available basis.
Diploma withheld	1: MN	Students can go through ceremonies and have diploma withheld until the IEP goals and objectives for transition are met. During this time, students can enter a post-secondary setting and have the LEA pay for the educational services other than special education (e.g., technical college).

Table 8

Are you currently funding any model, pilot or state-level program that provides post-graduation transition services?

18 Respondents

Summary: Slightly under half the states responding fund any sort of model or pilot post-graduation transition program. In one of those states, it's possible that those funds originate from agencies other than the SEA. Descriptions of the kinds of programs funded can be found in the "comments" section of the table below.

Response	States	Comments
Yes	8: CA, HI, ID, ND, NE, SD, TN, WY	Two high school projects: one provides follow-up data and referral; the other provides LEA/Department of Rehabilitation services to youth and rehabilitation follow-up services to out-of-school youth through an interagency transition project funded by OSERS. We fund a community-based program for "older" young adults--$3000 annual award. We have funded a program to secure employment prior to graduation so the transition to adult agencies is smoother. DOE, Division of Rehabilitation and Department of Health and Human Services funded three model interagency supported employment transition programs. We are in the third year of the three-year programs. Through a federal transition grant, we will award 10 model sites for transition systems change by April 30, 1993. Community services for the Deaf funds outreach programs. State Department of Health funds a coordinator for university students with learning disabilities. Division of Rehabilitation Services funds several transition projects for individuals who are developmentally disabled.
No	10: CT, DE, IN, MA, MN, NC, SC, UT, WA, WY	Not with state public education funds.

Table 9

If there are post-graduation transition services offered in your state, how are those services coordinated?

14 Respondents

Summary: For the majority of the states responding to this question, transition services are coordinated by some combination of adult service agencies, sometimes assisted by community colleges or other post-secondary educational institutions.

Response	States	Comments
Through adult service agencies	5: CT, DE, ID, MN, WV	Most frequently mentioned are divisions or departments of Vocational Rehabilitation, Mental Health, and Mental Retardation or Developmental Disabilities. Vocational counselors from Vocational Rehabilitation services are housed in high schools.
Adult service providers with post-secondary ed. institutions	3: WY, VT, TN	Community colleges offer some programs. University offers technical assistance. University-based project director.
Interagency agreements	1: CA	All programs are "projects," not system-wide. They all require local interagency approval.
No statewide coordination	2: MA, SD	Not coordinated intentionally, but may be coordinated through the Youth and Family Alliance which has been established by the Governor's office.
Other	3: ND, HI, NE	Regional planning teams composed of agencies and family representatives. Transition project No services

Table 10

Do you feel that an incentive grant program would help you develop policies or programs for students to continue services beyond graduation?

18 Respondents

Summary: The answers of 14 of the 18 states responding to this question ranged from mildly to enthusiastically affirmative. Two states were recipients of system change grants that they believed functioned as an incentive. Three others noted that any incentives should target or at least include adult service providers and post-secondary educational organizations. Only three of the 18 thought an incentive grant program would not be helpful.

Response	States	Comments
Yes	11: HI, MN, NC, ND, NE, SC, SD, TN VT, WY	Anything would be better than the current state of service delivery.
Yes, qualified	3: CA, CT, DE	Only if they are collaborative in nature and place responsibility on the adult service system, especially if it includes incentives for other agencies (Rehab, DD, mental health, higher ed., community colleges) to begin serving students prior to graduation.
Maybe	1: MA	It may be of interest to do a needs assessment.
No	3: UT, IN, WA	With the present funding level, additional services would only "water down" or reduce services for non-graduated students. We intend to revise our graduation requirements to ensure that graduation does not occur until student successfully completes IEP transition program or ages out.

Table 11

What policies or procedures exist if a student has reached the age of maturity (18) and does not wish his/her parent to attend an IEP meeting?

19 Respondents

Summary: Almost two thirds (12 of 19) of the states responding have no specific policies addressing the question. Seven states report policies allowing the student to exclude parents or function in the role of parent.

Response	States	Comments
Policy/ procedures exist	7: CA, IN, MA, MN, ND, SC, SD	Adult students for whom no guardian or conservator has been appointed have the right to exclude parents from the IEP meeting and/or assume the role of parent (6 states). Student can participate as "parent" unless parent provides full support of child, in which case parents are entitled to make the decision.
No policy	12: CT, DE, HI, ID, NC, NE, TN, UT, VT, WA, WV, WY	Teachers counsel student to involve parents as part of the collaborative process. We currently interpret parental rights as continuing under IDEA. We encourage both parents and students to attend. Parents are included as critical to the process. Not an issue.

Table 12

What guidance do you provide LEAs if a parent does not want the student at the IEP meeting

18 Respondents

Summary: Slightly under half (8 of 18) of the states responding rely on the language in IDEA. Of those, six encourage student attendance. Three states require that students be present at the transition portion of the meeting, and two require that students 14 or older attend or be invited to the IEP meeting. Two states find alternative ways to meet student needs, and three provide no guidance because the issue has not arisen.

Response	States	Comments
Rely on federal guidelines: IDEA language	8: CA, CT, DE, HI, ND, SC, TN VT	Train to emphasize student attendance. Encourage districts to help parents understand, accept, support. Encourage parent education and early planning for student participation. Stress importance of student involvement and early counseling on guardianship issues.
Students present for at least part of meeting, especially transition portion	3: ID, IN WY	All students participate to the degree appropriate. Sometimes discussions of issues may exclude the student for portions of the meeting, if the parent requests. Unless the purpose of the meeting is to discuss transition services for the student, it is the parent's decision whether the student's attendance is appropriate. This would be the decision of the IEP team, but any transition issue would usually involve the transitioning child being present.
Student required to attend	2: MA, SD	By administrative rule, the student is required to attend the IEP meeting beginning at age 14 or upon entrance into 9th grade. The attendance of the student is not optional, and if the student is not in attendance, the placement committee is not complete. From age 14-18 students have the right to be invited to IEP meetings.
No guidance	3: MN, NC, WV	Not an issue.
Find other ways to meet student needs.	2: UT, WA	Find other ways to ensure that the student's preferences and interests are considered.

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Table 13

Are there plans in your state to alter any policies regarding post-graduation transition services?

19 Respondents

Summary: A majority of the respondents (10) have no plans to alter any policies. Five others have no specific plans, but will work to improve policies already in place. Two states are considering the possibility of change, and two have definite plans for change.

Response	States	Comments
No	10: CT, IN, MA, MN, NC, SC, SD, TN, UT, VT	At least, not by administrative rule.
Not qualified	5: CA, DE, ID, WA, WY	Working to clarify impact of IDEA and new rehabilitation authorization. Also, through Transition Systems Change grant, will look at improving policies to do with school-to-work transition among nine state and federal agencies. Emphasis is on providing quality secondary programs. Plan to refine transition interagency agreements; do not expect to see schools being held responsible for post-graduation services applying for federal systems change grant. Not aware of specific policy changes, but do see generalized focus on importance of transition process for success for all students.
Possibly	2: ND, NE	Any need for alterations in policies will emerge during systems change grant process. Our attorney is researching this area.
Yes	2: HI, WV	Through interagency transition project, which involves participation from Vocational Rehabilitation, Department of Health, Department of Labor, and the community college systems. A strategic transition plan is being developed that will address revision or development of legislation/policy for a comprehensive system that will include post-graduation services.

CONCLUSION

The transition of students with disabilities from school into the adult world is an area of increasing importance. As states assist school district to implement the new IDEA transition requirements, they are faced with many questions. Among these important concerns are those surrounding graduation and the termination of services. While federal regulations provide some guidance in these areas, states and local school districts also determine policies. As our compilation of information reveals, there is some similarity but much variability among states in their approach to graduation and the related termination of services. The information we have gathered and analyzed offers a diverse collection of ways in which different states are currently addressing these issues. As states continue to implement transition services, further scrutiny and revision of policies and practices will undoubtedly be needed.

As we go to press with this paper, the OSERS, Office of General Council, is responding to a question from a state regarding whether or not it is appropriate to count students (who still fall within the states maximum age for services) once they have graduated and thereby generate Part 6B funds to provide post-graduation services. This letter should assist states tremendously as they continue to design policy for transition services.

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APPENDIX A

TRANSITION SERVICES BEYOND GRADUATION

Termination of Services

1. What is the upper age limit for provision of special education services in your state?

CA	22
CT	21 or a high school diploma
DE	Age 20 inclusive. Students are allowed to complete the year.
HI	20
ID	Age 21. In order for students to receive special education benefits and services past their 21st birthday, the district must adopt a district-wide policy which permits students to receive services for the duration of the school year.
IN	Unless they have completed the 12th grade of high school, students with disabilities may continue their education through the school year in which they turn age 22.
MA	Students are entitled to receive special education until they graduate or reach 22, whichever comes first.
ME	20 - until 21st birthday
MN	Through age 21 - if the student turns 21 during the school year, he is entitled for services through the school year.
NC	Through the age of 20 and 21 permissively.
ND	School year of the 21st birthday
NE	The year the child turns 21
NJ	Information not available
NY	Until he or she receives a high school diploma or until the end of the school year of his or her 21st birthday.
SC	21
SD	Special Education is provided through the school year in which the student with a disability turns 21 or graduates from school.
TN	Through the age of 21 years
UT	Age 22 or graduation, whichever comes first
VT	At the Age of 22 (22nd birthday)
WA	State law defines the eligibility to attend common schools until the completion of the school year in

which the student turns twenty-one or until the student graduates from H.S., whichever is sooner.

WV West Virginia has special education services to age 21.

WY Usually to age 21

2. **What kind of policy governs termination of special education services and the completion of high school?**

CA Diploma by Local Education Agency and State Board of Education
"Differential Standards" or letter of completion upon approval of Local Education Agency

CT IEP driven until student reaches mandated school-leaving age (21).

DE Age 21 (age 20 inclusive)
High School Diploma

HI General diploma or certificate of completion

ID The following criteria apply when establishing graduation requirements (Regular Diploma) for students with disabilities:

1. When a student with disabilities completes regular education course work with the collaborative support of regular and special education. A minimum of 42 credits which includes 14 core credits with a "C" average is required or as per district requirements. For example, the special education teacher may work with the general education teacher in a consultative model, and the course grade is awarded by the general education teacher. Local school boards determine requirements beyond the state minimum. Some districts require as many as 50 credits.

2. When a student meets the minimum of 42 credits, which includes 14 core credits with a "C" average, but the student requires the adaptation of regular education coursework. The adaptation may include methodology of instruction and/or competency demonstration. The special education teacher works in collaboration with the general education teacher, but the grade is awarded by the general education teacher.

3. When a student's disabilities preclude the student's participation in the regular curricular offering, an adapted or modified course in the same subject area may be designed by the CST. For example, a student may have English in a special design or resource room, there is no regular education involvement, the content is functional in nature, and special education awards the grade.

4. When a student is unable to meet the 42 credit/14 credit "C" core requirements, specially designed coursework may be substituted. When a disability is so severe that adapted regular curriculum course offerings are not educationally appropriate, an educational program is designed by the Child Study Team which meets the individual needs of the student.

Note: A transcript that documents a course of study described in criteria numbers 1 and 2 above, would represent an academic transcript which meets the minimum requirements for entry into post-secondary education and/or military training.

IN This policy was established in 1991 as the result of the judgment from a lawsuit, Tuttle vs Evans, filed in Shelby County Circuit Court.

MA The school districts establish graduation requirements. The IEP team states in the IEP whether it is expected that the child will graduate and the steps which should be taken to ensure that criteria are

established for graduation and a plan for meeting such criteria. The decision in Stock v. Massachusetts Hospital School, 392 Mass. 205 (1984) states that school districts must provide adequate procedures including written notification to each special needs student and parent(s) of the school's intention to have the student graduate, notice of a parent's right to protest that decision, a description of the administrative remedies, and procedures to be followed (including an appeal to the Bureau of Special Education Appeals).

ME IEPs address how diploma requirements will be met for students between the ages of 15 and 20. Pupil evaluation team may make reasonable and appropriate adaptations of and accommodations to the state and local graduation requirements to reflect the unique skills and abilities of the student, and shall specify in the student's IEP the projected date of graduation.

MN The learner graduates having successfully completed graduation requirements as prescribed by the board of education or the learner's IEP plan or the learner exceeds school age of 21 years. The diploma terminates services in special education or aging out. All options result in a regular diploma.

NC
1. Completion of IEP goals and objectives.
2. No longer meets eligibility requirements.
3. Satisfactorily completes course of study to graduate.

ND Graduation or age 21.

NE The school, parent and child determines through IEP process when special education services should be terminated. This may or may not coincide with the completion of high school.

NJ State plan and special education code specify that the IEP describe "exemptions from regular education program options, including testing programs, core course proficiencies and State and local graduation requirements which includes a rationale for the exemptions" along with "Reasons why the individualized education program goals and objectives do not include the proficiencies measured by the High School Proficiency Test. . ." and "A statement of the alternate requirements for each exemption from State and local high school graduation requirements." The IEP must "identify which alternate requirements must be achieved by the pupil with an educational disability to qualify for the State endorsed diploma issued by the school district."

NY State regulations of the Commissioner of Education.

SD Students with disabilities are eligible for graduation if they (1) complete all the goals and objectives as required on their IEP, (2) can meet the requirements for the 20 credits required by the South Dakota Board of Education for school graduation (3) parents of students with disabilities must be notified at least one year prior to graduation or termination of services of the schools intent to graduate the student or terminate services for the student.

SC Regular high school diploma
Reach age 21

TN A child shall no longer be eligible to receive special education and related services from a school system when the M-Team reviews the child's educational records, including appropriate assessment data, and determines one of the following: 1. the child no longer meets the State criteria and/or no longer requires special education and related services because of physical or mental impairment(s); or, 2. the child has satisfactorily completed an approved educational program and has been awarded a regular diploma; or 3. the child's age is 22 years, except that any eligible child who turns twenty-two (22) between the commencement of the school year in August and the conclusion of the school year the following June, will continue to be an "eligible child" for the remainder of the school year.

UT The IEP team makes the decision. If the team takes the student's plan beyond age 22 or graduation, then the district must pay from other funds than state money.

VT State stipulates services if necessary until the 22nd birthday. We do have a state regulation which allows us to continue state funding through the remainder of the school year under exceptional circumstances.

WA No provision within state statutory law specifically addresses the graduation from high school by students with disabilities.

WV Policy 2419: Regulations for the Education of Exceptional Students with the Individual Education Plan (IEP).

WY Completion of IEP goals or reaching age 21

Graduation Requirements

3. **What discretion, if any, do local districts have to set graduation requirements or are they set by the state?**

CA State Board of Education sets minimum standards, local boards can adopt additional requirements. State code allows for differential standards.

> 51215. (a) The governing board of each school district maintaining a junior or senior high school shall, by June 1, 1978, adopt standards of proficiency in basic skills for pupils attending school within its school district.
>
> (1) Differential standards and assessment procedures shall be adopted for pupils who:
> (A) Are enrolled in special education programs pursuant to Part 30 (commencing with Section 56000); or for whom individualized education programs have been developed, and for whom the regular instructional program has been modified, as necessary, under the supervision of a person who holds an appropriate credential in special education; and
> (B) Have diagnosed learning handicaps or disabilities such that the individualized education program team determines they have not demonstrated evidence of the ability to attain the district's regular proficiency standards with appropriate educational services and support.
> (2) If the team determines that these pupils have not demonstrated evidence of the ability to attain the district's regular proficiency standards with appropriate educational services and support, the team shall develop differential proficiency standards, or modify general differential standards adopted by the governing board, appropriate to the needs and potential of the pupil.

CT State sets minimum requirements (Carnegie points). However, local planning and placement team can make modifications for special education student with IEP.

DE LEAs may go beyond State minimums.

HI Set by State DOE.

ID The state sets minimum requirements, local districts/boards may determine additional requirements. Special education students currently are generally required to meet the local requirements, but some districts award diplomas based on state requirements.

IN Core graduation requirements are established at the state level. Local districts may opt to require additional credits/courses.

MA	Local school districts set graduation requirements.
MN	Graduation requirements are set by the State Board of Education for the minimum requirements. Local districts can add to them.
NC	There are State Board of Education minimum standards, but the local board of education may set higher standards.
ND	Minimum by state - local districts can and do set higher standards.
NE	Yes and No. The state requires that schools have graduation requirements for 200 credit hours (20 full year courses). School has complete discretion determining what those 200 hours are and how student earns the hours.
NJ	State code mentions state and local requirements, but apparently there are certain state requirements for a state endorsed diploma. Students with disabilities must meet state graduation requirements unless exempted in the IEP with the written approval of the chief school administrator. IEP must specify which requirements would qualify the student for a state-endorsed diploma. Pupils with an educational disability don't have to take the state proficiency exam if the IEP does not include the range of proficiencies covered by the test, and if the student would be adversely affected by taking the test. Local districts are required by the state to adopt written policies and procedures for exemption of students with educational disabilities from the high school graduation requirements.
NY	Alternative testing techniques can be specified in the IEP. Local certificates can be awarded to students with disabilities unable to meet requirements for a diploma, provided that student has met goals of IEP and has attended school for 13 years beyond the kindergarten level, and that the district has adopted written policies and procedures assuring that students with disabilities are afforded appropriate opportunities to earn a diploma. Each local certificate must be accompanied by a written statement of assurance that student continues to be eligible to attend school until a diploma is earned or age-out.
SC	Graduation requirements are set by the state
SD	Graduation requirements can be modified by the school's placement committee, but must reflect the minimum school graduation requirements as established by the South Dakota Board of Education. Required credits may be replaced with course work and awarded credit as determined by the student's IEP (placement) committee.
TN	They are set by the state.
UT	The state sets the minimum; however the LEA districts have discretion to increase the requirements, but they cannot lower the standards.
VT	The state has general requirements (a minimum course of study). Local districts set their own local requirements as to what they specifically require.
WA	Graduation requirements are set by the state (see Chapter 180-51 WAC). State rules do not set forth which courses satisfy the state requirements and state rules do not set forth any content standards for these requirements. WAC 180-025 delegates this responsibility to local school districts.
WV	Graduation requirements are set by the state, however, special education students would have an IEP which may include graduation requirements on an individual child basis.
WY	Wyoming is a local control state and each of the 49 school districts has the authority to set gradua-

tion requirements within general state guidelines.

4. What types of exit documents (diplomas, certificates, etc.) are awarded and what criteria must students meet to receive these?

CA Requirements for a diploma of graduation are set forth in EC 51225.3:

(a) Commencing with the 1988-89 school year, no pupil shall receive a diploma of graduation from high school who, while in grades 9 to 12, inclusive, has not completed all of the following:
(1) At least the following numbers of courses in the subjects specified, each course having a duration of one year, unless otherwise specified.
(A) Three courses in English.
(B) Two courses in mathematics.
(C) Two courses in science, including biological and physical sciences.
(D) Three courses in social studies, including United States history and geography; world history, culture, and geography; a one-semester course in American government and civics, and a one-semester course in economics.
(E) One course in visual or performing arts or foreign language. For the purposes of satisfying the requirement specified in this subparagraph, a course in American Sign Language shall be deemed a course in foreign language.
(F) Two courses in physical education, unless the pupil has been exempted pursuant to the provisions of this code.
(2) Such other coursework as the governing board of the school district may be rule specify.
(b) The governing board, with the active involvement of parents, administrators, teachers, and pupils, shall adopt alternative means for pupils to complete the prescribed course of study which may include practical demonstration of skills and competencies, supervised work experience or other outside school experience, vocational education classes offered in high schools, courses offered by regional occupational centers or programs, interdisciplinary study, independent study, and credit earned at a post-secondary institution. Requirements for graduation and specified alternative modes for completing the prescribed course of study shall be made available to pupils, parents, and the public.
(Amended by Stats.1990,c.1105(S.B.1947), 1.)

CT Diploma
Certificate of Attendance
Criteria Determined at District Level by Board of Education

DE State recently abolished the Minimum Competency Standard so we basically have the diploma. A Certificate of Performance is still available, but it was designed for students who had not met minimum competencies so I doubt it will be used much.

HI Diploma: completion of 20 credits and passing of the Hawaii State Test of Essential Competencies
Certificate of Completion: student has met the goals/objectives of the IEP.

ID School districts shall utilize a regular diploma for otherwise qualified special education students at the completion of their secondary program. A modified or differentiated diploma or certificate may be utilized for special education students who are unable to demonstrate mastery of the courses in the general core, even with reasonable accommodations as long as the same diploma or certificate is granted to students without disabilities in the same graduating class. The transcript serves as a detailed record of individual accomplishments, achievements, and courses completed.

Students who have graduated under criteria one and two would have graduated with a regular academic diploma and would not be appropriate to continue services to the age-out status or return for services after graduation. Students served under criteria three and four are eligible for services

to age 21 or for the duration of the year if the local school determines to do so.

IN At the student's annual case review prior to the school year in which nondisabled students of the same chronological age begin to earn credits toward high school graduation, the case conference committee determines:

1) whether the student with disabilities will pursue high school graduation and a diploma by earning credits toward high school graduation and a diploma by earning credits for academic, special education, or vocational courses; or
2) whether the student would benefit from an educational, vocational, and employment training program which is noncredit in nature (and receive a Certificate of Achievement).

MA Diplomas and certificates are issued at the discretion of the local school districts.

MN All result in regular diplomas.

Beginning at grade nine or age 14 and annually thereafter, the IEP team shall address the graduation requirements for high school diploma for a pupil.

A. The team must determine those courses, programs, or classes that must be successfully completed by regular education students in the regular education program which are needed to attain a high school diploma and are appropriate and attainable by the pupil.

B. The team must determine those courses, programs, or classes which are needed to attain a high school diploma that cannot be successfully attained by the pupil without special education or are not appropriate for the pupil. These requirements must be modified on the IEP or waived by the team.

C. The standard for a pupil's attainment of a high school diploma shall be:

1. those courses, programs, or classes identified in item A;
2. those modified and waived courses, programs or classes determined in item B;
3. the pupil's goals and objectives on the IEP.

D. The IEP team shall determine the criteria for satisfactory achievement of the IEP goals and objectives including modified courses, programs or classes.

A pupil shall receive an identical high school diploma granted to all regular education students upon graduation or termination of special education services at age 21, with satisfactory attainment of the program plan objectives.

NC At this time we currently exit students with diplomas and certificates of attendance. Diplomas are issued to all students who meet graduation requirements and pass the N.C. Competency Test. Certificates are issued to students who fail the competency but meet all other requirements for graduation.

ND Diplomas - achieved through credits assigned to each class (Carnegie units).

NE Local control for certificates, diplomas, etc.

NY State diploma or local certificate. Local certificates can be awarded to students with disabilities unable to meet requirements for a diploma, provided that student has met goals of IEP and has attended school for 13 years beyond the kindergarten level, and that the district has adopted written policies and procedures assuring that students with disabilities are afforded appropriate opportunities to earn a diploma. Each local certificate must be accompanied by a written statement

of assurance that student continues to be eligible to attend school until a diploma is earned or age-out.

SC Diploma - 20 units of credit and pass exit exam
Certificate - 20 units of credit

SD Students with disabilities who graduate from secondary school are awarded a signed high school diploma that is the same for any other student in that school district. If a student has not completed all the requirements, a signed diploma is not awarded until all requirements are met. In order to receive a signed diploma, the student must earn 20 credits. These credits can be modified by the student's placement committee and stated on the student's IEP.

TN Types of Diplomas

1) The regular diploma will be awarded to students who (1) earn the specified 20 units of credit or satisfactorily complete an individualized educational program, (2) make passing scores on all subtests of the proficiency test, and (3) have satisfactory records of attendance and conduct.
2) The honors diploma may be offered by local school systems to students who (1) earn the specified 20.5 units of credit with at least a 3.0 grade point average on a 4.0 scale, (2) make passing scores on all subtests of the proficiency test, and (3) have satisfactory records of attendance and conduct.
3) The high school certificate will be awarded to students who have earned the specified 20 units of credit and who have satisfactory records of attendance and conduct, but who have not met proficiency test standards.
4) The special education diploma will be awarded to students who have satisfactorily completed an individualized education program, and who have satisfactory records of attendance and conduct, but who have not met proficiency test standards.

UT Certificates of Completion are provided, but these are not considered diplomas.

VT If a student meets the graduation requirements, the expected outcome is a diploma. We have a policy which allows the IEP Team to decide on alternatives to the stated local graduation requirements. A diploma is then awarded. Some districts are still issuing certificates, but not many.

WA Students are awarded high school diplomas if they meet the district's high school graduation requirements. WAC 180-51-115 ensures that no student is denied the opportunity to earn a high school diploma solely because of limitations on the student's ability. It reads as follows: Local application of state requirements. The content of courses & the determination of which courses satisfy particular subject area requirements and whether a particular course may satisfy more than one subject area requirement for different students shall be determined locally in accordance with rules adopted by boards of directors of districts: Provided, that if a foreign language graduation requirement is established, credits earned in sign language shall count toward the completion of the requirement.

WV Standard Diplomas for Special Education students who are able to meet the state graduation requirements.

Modified Diplomas are for students with severe disabilities who are unable to meet the standard diploma requirements.

WY This varies from district to district - some use a standard diploma for all children - others use Certificates of Attendance - local option.

5. If a student receives an exit document, can he/she still continue to receive services? If so, what type of

services and how is it determined when these services will be provided?

CA	They can not continue to receive special education. They can enroll in adult education or regional occupational programs, if available. (The latter is vocational education).
CT	Not from public school - from adult services providers, and higher education if such services are available.
DE	A student is eligible for services until they receive a high school diploma or reach their 21st birthday.
HI	Only through the certificate of completion, students can continue to age 20.
ID	Currently, when students graduate, i.e. ceremony, award of diploma - they exit Special Education Services. Some students have returned and requested services - and have been served. Services are determined by local CSTs and are generally across school and adult agency. The SDE position is students of criteria 3-4 receive services to age 21.
IN	A student who has received an exit document cannot continue to receive special education services.
MA	If the student receives a diploma, his special education services are terminated. However, continued special education services may be ordered by a Hearing Officer. The granting of a "certificate of attendance" to a student with special needs is not the equivalent of a diploma, and therefore does not terminate the eligibility of a student who has not reached the age of 22 to receive special education services.
MN	No special education services are provided following an exit document.
NC	Currently at this time in North Carolina, if a student receives an exit document he may not continue to receive special education services.
ND	No - once graduated they have completed their high school education. If further services are needed, the students should not be graduated.
NE	We don't have a specific exit document but the final IEP would.
NJ	
NY	Until a diploma is earned or age-out.
SC	Unless a special education student gets a diploma, he or she can continue to receive services.
SD	If a student receives a signed diploma, the student is not eligible for services from the school district. The student may be able to receive services from an adult services agency.
TN	If he/she receives a regular diploma or an honors diploma, then he/she may not continue to receive services. If he/she receives the high school certificate or special education diploma, he/she may return to school to either work toward the regular diploma or if he/she is a special education student, he/she may remain in school through their 21st year.
UT	If the exit document is interpreted as a diploma then services with state money must cease; however the state would only consider a diploma to complete services or age 22.
VT	Any student, whatever age, without a high school diploma can continue to receive an education leading toward this. A diploma ends this entitlement except to vocational education on an as

available (space) basis.

WA No

WV When a student is determined to be ineligible for special education services, then the student does not receive special education services.

WY A child can continue to receive Special Education services after graduation/separation only if those services were addressed in the IEP prior to graduation/separation.

6. Can non-special education students receive the full range of exit documents? If not, which ones can they receive?

CA Yes. 51225.3 (b):
The governing board, with the active involvement of parents, administrators, teachers, and pupils, shall adopt alternative means for pupils to complete the prescribed course of study which may include practical demonstration of skills and competencies, supervised work experience or other outside school experience, vocational education classes offered in high schools, courses offered by regional occupational centers or programs, interdisciplinary study, independent study, and credit earned at a post-secondary institution. Requirements for graduation and specified alternative modes for completing the prescribed course of study shall be made available to pupils, parents, and the public.

CT Diploma

DE Right now we have just one - the high school diploma. We are in the process of developing new standards and I anticipate we will be revisiting the whole concept of the high school diploma and what it means in the not too distant future. This will include all of our students with disabilities.

HI No

ID All students receive a regular diploma - the transcript reflects their program of study for all special education students.

IN Non-special education students may be eligible to receive a diploma but not a Certificate of Achievement.

MA This is locally decided.

ME

MN Every student gets the same exit document - a diploma.

NC Yes, non-special education students may receive the full range of exit documents.

ND Yes

NE

NJ

NY

SC Yes

SD The only exit document available is the signed high school diploma.

TN No, they cannot receive the special education diploma.

UT Non-special education students receive a diploma and/or a list of competencies in vocational applied technology.

VT There are provisions for non-special education students to have a plan which is decided by a team and would alter the graduation requirements. A diploma is then awarded. No other exit document is available.

WA We only have one official state document and that is the high school diploma.

WV Non-special education students receive a standard diploma upon graduation.

WY I'm not sure what this means!

Services Beyond Graduation

7. Do LEAs or regional units in your state operate post-graduation transition programs or services?

CA Yes.
- A. Special contractual agreements for contractual co-ops with the State Dept. of Rehabilitation to operate Work Ability II projects through adult education or regional occupational programs or centers (ROC/Ps). For out-of-school (K-12) youth and adults.
- B. Some local education agencies contract with regional centers (DDH) and Rehabilitation to operate adult provider vendored services offering job coaches, development and assessment.

CT No

DE No

HI No

ID Yes - Idaho Falls School District

IN LEAs refer students with disabilities to post-graduation transition programs, but they do not operate or fund these programs.

MA Yes

ME

MN No, students can go through ceremonies and have the diploma withheld until the IEP goals and objectives are met for transition. During this time students can enter a post secondary setting and have the LEA pay for the educational services other than special education, i.e., technical college.

NC No.

ND Services upon graduation are provided through the adult system. Vocational Rehabilitation and Developmental Disabilities.

NE	LEAs
NJ	
NY	
SC	No
SD	No programs are currently operating that provide services after the student has received a signed high school diploma.
TN	Yes
UT	No
VT	Vocational education will offer programs on an as available basis to students with diplomas.
WA	Some school districts are using a concept called a "deferred diploma" to offer post-graduation transition services. OSPI opposes this concept and is in the process of developing a policy paper on graduation issues.
WV	LEAs operate post secondary Vo-technical Education programs through the Carl D. Perkins Act.
WY	A number of the community colleges assist in this area. These are usually funded through Carl Perkins grants.

8. Are you currently funding any model, pilot or state level program that provides post-graduation transition services?

CA	(High School) Work Ability I provides follow-up data collection and re-referral. (Post School) Work Ability II provides LEA/DR services to youth and adults. (High School) The Transition Partnership Project provides LEA/DR services to youth and DR follow-up services to out of school youth.
CT	No
DE	No
HI	Yes, through the Hawaii Interagency Transition Project funded through OSERS.
ID	Yes, we fund the Boise/Miridian Community Transition Team. They are currently developing a community based program for "older" young adults - $3,000 annual award.
IN	No
MA	No
ME	
MN	No
NC	I am unaware of any programs funded by the North Carolina Department of Public Instruction.
ND	We have funded a program to secure employment prior to graduation so the transition to adult

agencies is smoother.

NE North Platte might be considered a pilot site as they are working with student post graduates.

NJ

NY

SC No

SD Programs are being funded by Community Services for the Deaf in the form of outreach programs, the South Dakota Department of Health funds a coordinator for students with learning disabilities at Northern State University, the Division of Rehabilitation Services funds several transition projects for individuals who are developmentally disabled.

TN Yes

UT Not with state public education funds.

VT

WA No

WV The WVTP project (transition federal grant) will award 10 model sites for transition systems change by April 30, 1993. The West Virginia Department of Education, WV Division of Rehabilitation, WV Dept. of Health & Human Services funded three model interagency supported employment transition programs. This is the third year of the three year program.

WY Only those addressed above.

9. If there are post-graduation transition services offered in your state, how are those services coordinated?

CA We do this through state and/or local interagency agreements (financial and non-financial). All of our programs are "projects," not system-wide. They all require local interagency approval.

CT Adult services providers.

DE The post-graduation transition services that currently are offered are provided through the adult service agencies - DVR, DMR and DADAMH.

HI Through the transition project.

ID Vocational Rehabilitation Services - Vocational Counselors are identified and assigned to high school - two regions have schools that house the Vocational Counselor. Vocational Counselors attend CST's in the student's junior year.

IN

MA They are not coordinated at the state level.

ME

MN In post secondary settings and through adult services.

NC	N/A
ND	We are re-vitalizing regional planning teams comprised of agencies and family representatives.
NE	There are no post-graduation transition services offered in Nebraska.
NJ	
NY	
SC	
SD	They are not coordinated intentionally, but may be coordinated through the Youth and Family Alliance which has been established by the Governors office.
TN	Project director housed at UTK guides LRE for LIFE Project.
UT	
VT	There are many post school services offered in Vermont. These are coordinated between Vocational Rehabilitation and the Division of Mental Health with technical assistance from University of Vermont.
WA	
WV	The lead agency for post-graduation services is the West Virginia Division of Rehabilitation Services.
WY	The Community Colleges, as mentioned above, offer some programs. Vocational Rehabilitation assists.

10. Do you feel that an incentive grant program would help you develop policies or programs for students to continue services beyond graduation?

CA	You could use the perspective or look at incentives for other agencies to begin serving students prior to graduation (Rehabilitation, DD, mental health, Higher Ed, JTPA, etc.). We are looking at both.
CT	Probably, especially if it included opportunities via higher education (particularly community colleges) JTPA, adult services providers.
DE	Only if they are collaborative in nature and place responsibility with the adult service system.
HI	Yes
ID	
IN	No
MA	It may be of interest to do a needs assessment.
ME	

MN This would be a good idea and provide incentives to develop policies and programs.

NC Yes, an incentive grant program would probably help.

ND We are currently a recipient of a 5 year Systems Change Grant.

NE I would think a similar grant to Transition Systems Change Grant at federal level might be the only way we could affect a major change with community colleges.

NJ

NY

SC Sure

SD Anything would be better than the current state of service delivery.

TN Yes

UT With the present funding level, additional services would only "water down" or reduce services provided for non-graduated students.

VT Yes

WA We have just revised our graduation requirements for students with disabilities to ensure that graduation does not occur until the student successfully completes his IEP/transition program or ages out at 21.

WV Yes, WV was awarded a Federal grant through the U.S. Department of Education, Office of Special Education and Rehabilitative Services, Office of Special Education Programs, Secondary & Transition Services for Youth with Disabilities (CFDA Education Programs, Secondary & Transition Services for Youth with Disabilities (CFDA 84.158S.A.))

WY Definitely!

Students & IEP Conferences

11. What policies or procedures exist if a student has reached the age of majority (18) and does not wish his/her parent to attend an IEP meeting?

CA Under Education Code Section 56028, "parent" includes any adult pupil for whom no guardian or conservator has been appointed.

CT If this is an issue in Connecticut it is of such low incidence that the Department has never been asked to develop policies or procedures in this regard.

DE None. Our current interpretation has been that parental rights under the IDEA continue although this is an unclear area. To date we have not had a challenge on this.

HI Teachers will counsel parents to involve students as part of the collaborative process.

ID None. We encourage both parents and students to attend.

IN	If the student has not been adjudicated incompetent, he/she may request that his/her parent not be invited to an IEP meeting.
MA	Students who have reached the age of 18 have the right to not have parents present at the IEP meeting. The exception is when students have been declared "incompetent" by a court and have a guardian appointed.
ME	
MN	Student signs IEP. Parents are invited only if the student desires.
NC	There is no written policy at the state level.
ND	Student can demand that parent not attend if he/she has rights of a majority adult.
NE	We don't have policies or procedures for students 19 (age of majority in Nebraska).
NJ	
NY	
SC	We allow students to participate as "parent", unless parent provides full support of child, in which case they are entitled to make decision.
SD	If a student is their own guardian they can represent themselves at an IEP meeting. They must request that the school district not involve the parent in the IEP meeting if that is their choice.
TN	None
UT	Prior notice is still sent to the parents.
VT	No policies - educate student that this decision will in effect cut the parents out of the process.
WA	We currently have no policies or procedures regarding this issue.
WV	Currently, there is not a policy or procedure to address this issue.
WY	Not addressed in our rules and regulations. Generally, parents are included at all times as they are critical to the process. This scenario has not occurred to my knowledge.

12. What guidance do you provide LEAs if a parent does not want the student at the IEP meeting?

CA	We reiterate Federal law under IDEA and regulatory comment we could find. We have no additional state position. We train to emphasize student attendance at all transition meetings.
CT	Since IDEA requires that students, at least be invited, to the PPT (IEP meeting) developing the Transition Plan, we encourage districts to help parents understand, accept and support the rationale for student participation.
DE	At this point, none. We have just completed our new State Transition Regulations and suspect this may become an issue. As of now we are relying on the language in the federal law - IDEA.
HI	Teachers will counsel parents to involve students as part of the collaborative process.
ID	We encourage students to participate in their planning meetings. <u>All students</u> to the degree

appropriate sometimes discussions of issues may exclude the student for portions of the meeting if the parent requests such an agenda.

IN Unless the purpose of the meeting is the discussion of transition services for the student, it is the parent's decision whether the student's attendance is appropriate. The final regulations to Part B require that the student be invited to any IEP meeting in which Transition Services for him/her will be discussed.

MA From age 14 to 18 students have the right to be invited to TEAM meetings.

ME

MN I have not heard of this being an issue in MN.

NC This has not been an issue in North Carolina.

ND We stress the importance of student involvement. We also stress early counseling on guardianship issues.

NE

NJ

NY

SC With transition requirements now in place, this is a difficult issue. We encourage parent education and early planning for student participation. Try to be non-confront and involve advocacy organizations if they feel it is appropriate.

SD By administrative rule the student is required to attend the IEP meeting beginning at age 14 or upon entrance into the 9th grade. The attendance of the student is not optional, and if the student is not in attendance the placement committee is not complete.

TN We follow the federal guidelines.

UT If a student does not attend the IEP meeting, the public agency will take other steps to ensure that the students preferences and interests are considered.

VT Talk with parents about their concern about the student attending. Try to address these issues at the meeting (whatever they were) but work it out so the student can participate.

WA We encourage the district to find other ways to ensure that the student's preferences and interests are considered.

WV West Virginia does not provide guidance regarding this issue.

WY This would be a decision of the team, but any transition issue would usually involve the transitioning child being present.

Future Plans

13. Are there plans in your state to alter any policies regarding post-graduation transition services?

CA No, not currently, but we are working with Rehabilitation to clarify impact of IDEA and the new Rehabilitation reauthorization. Also, throughout Transition Systems Change Grant, we are looking at improving, adding and deleting all policies to do with school-to-work-transition among nine State and Federal agencies.

CT	No
DE	We have plans to refine our Transition Interagency Agreements and some preliminary discussions around services for 19-21 year olds, that would be jointly run, have been discussed. I do not expect to see schools being held responsible for post-graduation services.
HI	Yes, through the Hawaii Interagency Transition Project which involves participation from the Division of Vocational Rehabilitation, Dept. of Health, Dept. of Labor, and the Community College systems.
ID	Not currently. Though we are applying for the federal Systems Change Grant. If awarded we would do a complete policy analysis and plan to respond accordingly.
IN	No
MA	No
ME	
MN	None in the works.
NC	At this time there are no plans to alter any policies regarding post-graduation transition services.
ND	I would think the transition project will show a need for alterations in policies. We'll let the Grant derive this process.
NE	Our attorney is researching this area.
NJ	
NY	
SC	Not at this time.
SD	Not at this time, at least not by administrative rule.
TN	Not at this time.
UT	No
VT	No
WA	Currently we are not considering post-graduation transition services. Our emphasis is on providing quality secondary programs which include the necessary transition services to ensure successful transition to appropriate post-secondary activities.
WV	A strategic Transition Plan is currently being developed. This plan will address revision or development of legislation/policy for a comprehensive transition system which will include post-graduation transition services.
WY	Transition is receiving increasing attention at all levels and there is considerable concern at the present time. I am not aware of specific policy changes, but I do see a generalized focus on the importance of this process for success for all students.

APPENDIX B

4307 Dahill Place
Alexandria, VA 22312
July 17, 1990

Dr. Robert R. Davila
Assistant Secretary
Office of Special Education &
Rehabilitative Services
Department of Education
Room 3006 - Switzer Building
330 C St. SW
Washington, D.C.

Dear Dr. Davila:

Under Public Law 94-142 would the following situation be considered a change in placement: special education services are terminated because a student who has been receiving special education and related services receives a high school diploma. (The student is still at an age below the SEA's maximum age limit for providing special education and related services.)

Under these same circumstances would full procedural safeguards including written parental notice be applicable?

What is the proper role of the IEP team under these circumstances?

Thank you very much for your assistance in this matter.

Sincerely yours,

Patti C. Richards

Patti C. Richards

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

NOV 23 1990

Mrs. Patti C. Richards
4307 Dahill Place
Alexandria, Virginia 22312

Dear Mrs. Richards:

This is in response to your letter concerning certain requirements of Part B of the Individuals with Disabilities Education Act (IDEA-B) upon graduation of students who are disabled. Specifically, you ask whether:

> Special education services are terminated because a student who has been receiving special education and related services receives a high school diploma. (The student is still at an age below the SEA's maximum age limit for providing special education and related services.)

In answer to your first question, regarding high school graduation as a change in placement, every child identified as being disabled and in need of special education and related services under IDEA-B is entitled to a free appropriate public education (FAPE). FAPE must be provided at the preschool, elementary school, or secondary school level to children with disabilities aged five through twenty-one. However, a State does not have to provide FAPE to children with disabilities aged three through five and aged eighteen through twenty-one, if the provision of such services are contrary to State law or practice or a court order. 34 CFR §300.4; 34 CFR §300.300. IDEA-B does not require a State to provide a post-secondary school education to any child who is disabled, regardless of the child's age. This position is supported in a court decision in the case of Cronin v. Board of Education of East Ramapo School District, EHLR DEC. 441:124 (1988). Therefore, high school graduation would be considered a change in placement for a student who is disabled, in that eligibility for special education and related services would cease upon granting of the high school diploma.

In your second question, you ask if written procedural safeguards are applicable in the situation described. The termination of special education services to a child with disabilities because the child completes his graduation requirements in effect fulfills the school district's obligation to provide FAPE. This change in educational placement would be subject to IDEA-B procedural safeguard provisions, including prior written notice to the parents and access to due process hearing procedures. 34 CFR §300.504-300.505; 34 CFR §300.506-300.513. This position is supported in a court decision in the case of Gorski v. Lynchburg School Board, EHLR DEC. 551:415 (1989).

400 MARYLAND AVE., S.W. WASHINGTON, D.C. 20202

In your third question, you ask what the proper role of the individualized education program (IEP) team would be in this situation. Under IDEA-B, each school district shall initiate and conduct IEP meetings to periodically review each child's IEP and, if appropriate, revise its provisions. A meeting must be held for this purpose at least once a year. 34 CFR §300.343(d). The proper function of the IEP team, under the circumstance described in your letter, would be to conduct a review of the child's IEP at an appropriate time before the child receives a diploma to assure that graduation requirements will be met, and that the goals and objectives in the IEP will be completed. This position is supported in a court decision in the case of Morse v. Henniker School District, EHLR DEC. 508:361 (1987). Copies of the three cases cited above are enclosed for your reference.

I hope that the enclosed information is helpful. If this office can be of additional assistance, please let me know.

Sincerely,

Robert R. Davila
Assistant Secretary

Enclosures